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UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW
Working Group on
Electronic Data Interchange
Twenty-seventh session
New York, 28 February-11 March 1994

PROVISIONAL AGENDA

1. Election of officers

2. Adoption of the agenda

3. Uniform rules on the legal aspects of electronic data interchange (EDI) and related means of data communication

4. Other business

5. Adoption of the report

Notes on the provisional agenda

At its twenty-fourth session, in 1991, the Commission agreed that the legal issues of electronic data interchange (EDI) would become increasingly important as the use of EDI developed and that the Commission should undertake work in that field. The Commission agreed that, given the number of issues involved, the matter needed detailed consideration by a working group. [1] Pursuant to that decision, the Working Group on International Payments devoted its twenty-fourth session, held at Vienna, from 27 January to 7 February 1992, to identifying and discussing the legal issues arising from the increased use of EDI.

[1] Official Records of the General Assembly, Forty-sixth Session, Supplement No. 17 (A/46/17), paras. 306-317.

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At its twenty-fifth session, in 1992, the Commission had before it the report of the Working Group on International Payments on the work of its twenty-fourth session (A/CN.9/360). In line with the suggestions of the Working Group, the Commission agreed that there existed a need to investigate further the legal issues of EDI and to develop practical rules in that field. After discussion, the Commission endorsed the recommendation contained in the report of the Working Group (ibid., paras. 129-133) and entrusted the preparation of legal rules on EDI to the Working Group on International Payments, which it renamed the Working Group on Electronic Data Interchange. [2/]

The Working Group on Electronic Data Interchange undertook this task at its twenty-fifth session, held in New York, from 4 to 15 January 1993. At that session, the Working Group reviewed a number of legal issues set forth in a note prepared by the Secretariat (A/CN.9/WG.IV/WP.55). The Working Group agreed that it should proceed with its work on the assumption that the uniform rules should be prepared in the form of statutory rules. The Working Group, however, deferred a final decision as to the specific form that those statutory rules should take (A/CN.9/373, para. 34). At the conclusion of the session, the Working Group requested the Secretariat to prepare draft provisions, with possible variants based on the deliberations and decisions of the Working Group (ibid., para. 10).

At its twenty-sixth session, in 1993, the Commission had before it the report of the Working Group on Electronic Data Interchange on the work of its twenty-fifth session (A/CN.9/373). The Commission expressed its appreciation for the work accomplished by the Working Group. The Commission noted that the Working Group had started discussing the content of a uniform law on EDI and expressed the hope that the Working Group would proceed expeditiously with the preparation of that text. [3/]

The Working Group held its twenty-sixth session at Vienna, from 11 to 22 October 1993. The Working Group considered a first draft of uniform rules on the legal aspects of electronic data interchange and related means of trade data communication prepared by the Secretariat (A/CN.9/WG.IV/WP.57) and a proposal made by the delegation of the United Kingdom of Great Britain and Northern Ireland (A/CN.9/WG.IV/WP.58). The Secretariat was requested to prepare a revised draft of the uniform rules taking into account the deliberations and decisions of the Working Group.

The Working Group is composed of all States members of the Commission. These are:

Argentina, Austria, Bulgaria, Cameroon, Canada, Chile, China, Costa Rica, Denmark, Ecuador, Egypt, France, Germany, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Mexico, Morocco, Nigeria, Poland, Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

2/ Ibid., Forty-seventh Session, Supplement No. 17 (A/47/17), paras. 140-148.

3/ Ibid., Forty-eighth Session, Supplement No. 17 (A/48/17), paras. 263-268.

Item 1. Election of officers

The Working Group, in accordance with its practice at previous sessions, may wish to elect a Chairman and a Rapporteur.

Item 3. Uniform rules on the legal aspects of electronic data interchange (EDI) and related means of trade data communication

The Working Group will have before it a note by the Secretariat containing a revised draft of uniform rules on the legal aspects of EDI and related means of data communication (A/CN.9/WG.IV/WP.60). The Working Group may wish to use the note as a basis for its deliberations.

The following documents will be made available at the session:

(a) Report of the Secretary-General on the Legal Value of Computer Records (A/CN.9/265);

(b) Report of the Secretary-General on Electronic Data Interchange - Preliminary study of legal issues related to the formation of contracts by electronic means (A/CN.9/333);

(c) Report of the Secretary-General on Electronic Data Interchange (A/CN.9/350);

(d) Note by the Secretariat discussing possible issues to be included in the programme of future work on the legal aspects of EDI (A/CN.9/WG.IV/WP.53);

(e) Report of the Working Group on International Payments on the work of its twenty-fourth session (A/CN.9/360);

(f) Note by the Secretariat outlining possible uniform rules on the legal aspects of electronic data interchange (EDI) (A/CN.9/WG.IV/WP.55);

(g) Report of the Working Group on Electronic Data Interchange on the work of its twenty-fifth session (A/CN.9/373);

(h) Note by the Secretariat containing a first draft of uniform rules on the legal aspects of EDI and related means of trade data communication (A/CN.9/WG.IV/WP.57);

(i) Proposal by the United Kingdom of Great Britain and Northern Ireland (A/CN.9/WG.IV/WP.58);

(j) Report of the Working Group on Electronic Data Interchange on the work of its twenty-sixth session (A/CN.9/387).

Item 5. Adoption of the report

The Working Group may wish to adopt, at the close of its session, a report for submission to the twenty-seventh session of the Commission (to be held from 31 May to 17 June 1994 in New York).

Meetings

The session of the Working Group will take place from 28 February to 11 March 1994 at the United Nations Headquarters, New York. There will be 8 working days available for consideration of the agenda items at the session. No meeting will be scheduled for Thursday, 10 March, in order to allow for the preparation of the draft report of the session. Meeting hours will be from 10:00 to 13:00 and from 15:00 to 18:00, except on Monday, 28 February 1994, when the session will commence at 10:30.